

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

LARRY P. WHITAKER

V.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION

§  
§  
§  
§  
§  
§

CASE NO. 4:08cv116  
(Judge Schneider/Judge Mazzant)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 17, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Commissioner's Motion to Reverse With Remand should be GRANTED.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is therefore

**ORDERED** that the Commissioner's Motion to Reverse With Remand is **GRANTED** and the case is **REMANDED** for further review pursuant to sentence four.

**IT IS SO ORDERED.**

**SIGNED this 28th day of May, 2009.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE